

**State of California  
Office of Administrative Law**

**In re:**  
**Superintendent of Public Instruction**

**Regulatory Action:**

**Title 05, California Code of Regulations**

**Adopt sections: 11534.1**

**Amend sections: 11530, 11533, 11534**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2017-0523-03**

**OAL Matter Type: Emergency (E)**

This action adopts and amends regulations to implement the statutory fee waiver process and documentation requirements for homeless and foster youths taking the High School Equivalency Test.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 6/2/2017 and will expire on 11/30/2017. The Certificate of Compliance for this action is due no later than 11/29/2017.

**Date: June 2, 2017**



**Mark Storm  
Senior Attorney**

**For: Debra M. Cornez  
Director**

**Original: Tom Torlakson  
Copy: Hillary Wirick**

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2017-0523-03E</b>
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For use by Office of Administrative Law (OAL) only

2017 MAY 23 A 9:18  
OFFICE OF  
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

JUN 02 2017

2:31 PM

AGENCY WITH RULEMAKING AUTHORITY

State Superintendent of Public Instruction

AGENCY FILE NUMBER (If any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) High School Equivalency Test	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 11534.1 per agency request
	AMEND 11530, 11533, 11534
	REPEAL
TITLE(S) 5	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

Hillary Wirick, Reg Analyst

TELEPHONE NUMBER

916-319-0860

FAX NUMBER (Optional)

916-319-0155

E-MAIL ADDRESS (Optional)

hwirick@cde.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

*Amy Bisson Holloway*  
TYPED NAME AND TITLE OF SIGNATORY  
Amy Bisson Holloway, General Counsel

5/19/17

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 02 2017

Office of Administrative Law

- 1 • The State Superintendent of Public Instruction has illustrated changes to the original  
2 text in the following manner: text originally proposed to be added is underlined; text  
3 proposed to be deleted is displayed in ~~strikeout~~.  
4

5 **Title 5. EDUCATION**

6 **Division 1. California Department of Education**

7 **Chapter 11. Special Programs**

8 **Subchapter 8. High School Proficiency Certificates**

9 **Article 2. High School Equivalency Certificate – for Persons 18 Years of Age or**  
10 **Older**

11  
12 **§ 11530. Definitions.**

13 (a) "Certificate" means a document containing the words "California High School  
14 Equivalency Certificate."

15 (b) "Fee," as referenced in Education Code section 51421(a), shall be \$20.00 and  
16 shall be submitted by the examinee at the time of initial registration for a test to obtain a  
17 high school equivalency certificate.

18 ~~(c) "Homeless Certification Form (issued 03/2016)" means a form provided by the~~  
19 ~~California Department of Education (CDE) that is to be completed by an authorized~~  
20 ~~homeless services provider to verify that a youth is homeless as defined in Education~~  
21 ~~Code section 51421.5. The Homeless Certification Form is hereby incorporated by~~  
22 ~~reference. "Certification" means documentation from a homeless services provider, or a~~  
23 ~~county or state agency, certifying the examinee is a homeless youth or a foster youth.~~

24 (d) "Resident of this State" means a person who either presently lives in the State of  
25 California, or who has his domicile in California in accordance with the criteria  
26 established in Government Code section 244.

27 (e) "Testing accommodations" means any variation in the assessment environment  
28 or process that does not fundamentally alter what the test measures or affect the  
29 comparability of scores.

30 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:  
31 Sections 51420, 51421, 51421.5 and 51425, Education Code.

1   **§ 11533. Waiver of Fees.**

2       (a) The contractor(s) selected to administer the examination shall not collect fees  
3       from individuals who are under 25 years of age, meet all other registration  
4       requirements and are verified to be a homeless youth by a homeless services provider  
5       or a foster youth as defined in Education Code section 51421.5, except for fees for  
6       additional services not related to regular test administration including, but not limited to,  
7       registration for a test administration past the regular registration deadline set by the  
8       contractor(s), request to change the testing date past the regular registration deadline  
9       set by the contractor(s), request for a transcript, or duplicate certificate, or request to  
10      expedite services. The contractor(s) shall not charge fees to individuals who are  
11      ~~verified~~ certified to be a homeless or foster youth for any other administrative services  
12      without prior approval of the CDE California Department of Education (CDE). The  
13      ~~vendor~~ contractor must contact the CDE and provide justification to charge any  
14      additional administrative fees to an individual eligible under this part.

15      (b) The fee waiver for individuals who are under age 25 and are certified ~~verified~~ to  
16      be a homeless youth by a homeless services provider or a foster youth as defined in  
17      Education Code section 51421.5 shall include only fees for services related to test  
18      administration. The fee waiver shall not include fees for services or documents required  
19      to verify the need for testing accommodations, test preparation, or other services not  
20      related to test administration.

21      NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:  
22      Sections 51420, 51421 and 51421.5, Education Code.

23  
24   **§ 11534. Homeless Certification.**

25      (a) To be eligible for a fee waiver, at the time of registration for a test administration,  
26      a certified homeless youth must submit all standard required registration materials to  
27      the contractor(s), including documentation required for all testing accommodations that  
28      the individual may need and an original completed ~~Homeless Certification Form~~.  
29      certification. The contractor(s) provides all forms required to approve a testing  
30      accommodation.

31      (b) ~~Only the Homeless Certification Form~~ The CDE-developed certification form  
32      may be used to certify that the registrant is homeless. ~~The Homeless Certification Form~~  
33      Certification must include all of the following information:

1 (1) The full legal name of the registrant;  
2 (2) The date of birth of the registrant;  
3 (3) The signature of the registrant affirming, under penalty of perjury, a statement  
4 that she or he is homeless and under 25 years of age;

5 (4) The printed name of the homeless services provider;

6 (5) The title of the homeless services provider;

7 (6) The business address, phone number, and e-mail address of the homeless  
8 services provider;

9 (7) The signature of the homeless services provider affirming, under penalty of  
10 perjury, a statement that she or he is an authorized homeless services provider and  
11 that the registrant is homeless as defined in Education Code section 51421.5;

12 (8) The date that the ~~Homeless Certification Form~~ certification is completed by the  
13 homeless services provider; and

14 (9) The date the ~~Homeless Certification Form~~ certification expires.

15 (c) ~~The Homeless Certification Form~~ Certification is valid for a period of one year  
16 from the certification date and may be renewed annually until the certified homeless  
17 youth reaches 25 years of age. If the certified homeless youth reaches 25 years of age  
18 within one year from the certification date, the ~~Homeless Certification Form~~ certification  
19 will be valid only until one day before the certified homeless youth reaches 25 years of  
20 age.

21 (d) The homeless services provider or the provider's agency shall retain a copy of  
22 all ~~Homeless Certification Forms~~ certification(s) issued to ~~certified~~ certify homeless  
23 youth(s) until each certified homeless youth reaches 28 years of age. The homeless  
24 services provider or the provider's agency shall make copies of ~~Homeless Certification~~  
25 ~~Forms~~ certification(s) available to the CDE upon request.

26 (e) The contractor(s) shall retain all original ~~Homeless Certification Forms~~  
27 certifications issued to ~~certified~~ certify homeless youth(s) until each certified homeless  
28 youth reaches 28 years of age. The contractor(s) shall make original ~~Homeless~~  
29 ~~Certification Forms~~ certification(s) available to the CDE within 10 business days upon  
30 request.

31 (f) The homeless services provider or provider's agency shall not charge a fee to  
32 homeless youths seeking certification of their status.

NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:  
Section 51421.5, Education Code.

**§ 11534.1. Foster Youth Certification.**

(a) To be eligible for a fee waiver, at the time of registration for a test administration, a foster youth must submit all standard required registration materials to the contractor(s) including documentation required for all testing accommodations that the individual may need and certification of their foster youth status. This certification may be provided by the county or California Department of Social Services.

(b) Eligibility for the fee waiver is valid until the certified foster youth reaches 25 years of age.

(c) The contractor(s) shall retain all original certification(s) issued to foster youth(s) until each foster youth reaches 28 years of age. The contractor(s) shall make original documentation available to the CDE within 10 business days upon request.

(d) The county shall not charge any fees to foster youths seeking certification of their status.

(e) For purposes of this Article, "Foster Youth" means either current or former foster youth as defined by Education Code Section 51421.5(h).

NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:  
Section 51421.5, Education Code.

06-02-17 [California Department of Education]

## HOMELESS CERTIFICATION FORM

**To be used by a homeless child or youth to obtain a fee waiver for a High School Equivalency Test and/or the California High School Proficiency Examination (CHSPE).**

The current high school equivalency tests approved by the California State Board of Education are the General Education Development (GED) test, the High School Equivalency Test (HiSET), and the Test Assessing Secondary Completion (TASC). The CHSPE is administered by the Sacramento County Office of Education.

### HOW TO OBTAIN A FEE WAIVER

To obtain a fee waiver, each eligible homeless child or youth under 25 years of age must:

1. Complete and sign Section I of this form;
2. Have an authorized homeless services provider complete and sign Section II of this form to verify the homeless status of the child or youth, and
3. Submit the original completed form to the test vendor along with his or her test registration materials. (The homeless child or youth must submit an **original** completed Homeless Certification Form to each testing contractor to which he or she registers. **Copies of the form will not be accepted.**)

Note:

- The form is valid for one year and may be renewed annually until the eligible homeless child or youth reaches 25 years of age.
- The fee waiver applies only to the regular test registration fee.

### ELIGIBILITY

To meet eligibility requirements for the fee waiver, the homeless child or youth must be under 25 years of age and must meet the following definition:

**"Homeless child or youth"** means a homeless child or youth as defined in paragraph (2) of Section 725 of the federal "McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11434a(2)). This means:

- A) individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1)); and
- B) includes —
  - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C));
  - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - (iv) migratory children (as such term is defined in 20 U.S.C. Section 6309) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

### HOMELESS SERVICES PROVIDER

A Homeless Certification Form can only be obtained from an authorized homeless services provider who has knowledge of the homeless status of a child or youth. The homeless services provider must verify that status by completing Section II of the Homeless Certification Form.

The information regarding who is qualified to serve as an approved homeless services provider is shown in the boxes at the end of Section II of the form. **The individual completing Section II must check the box that indicates how he or she is qualified as an approved homeless services provider.**

## HOMELESS CERTIFICATION FORM

The Homeless Certification Form will not be considered complete unless signed and dated by both the homeless services provider and the person making the request for the fee waiver.

### SECTION I: REQUESTOR - To be completed by the homeless child or youth making the request for the fee waiver ("requestor")

I, \_\_\_\_\_ (Full Legal Printed Name of Requestor) swear or affirm that, to the best of my knowledge and belief on the date listed below in this section, I am under 25 years of age and homeless as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Act (42 U.S.C. Section 11434a(2)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Today's Date \_\_\_\_\_ Signature of Requestor \_\_\_\_\_ Date of Birth (mm/dd/yyyy) \_\_\_\_\_

### SECTION II: HOMELESS SERVICES PROVIDER - To be completed by a qualified homeless services provider as defined below.

Name and Title of Homeless Services Provider \_\_\_\_\_ Name of Entity/Agency \_\_\_\_\_

Address of Entity/Agency \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number (including area code) \_\_\_\_\_ E-mail \_\_\_\_\_

I, \_\_\_\_\_ (Printed Name of Homeless Services Provider) swear or affirm that, to the best of my knowledge and belief on the date listed below:

\_\_\_\_\_, \_\_\_\_\_ (Printed Name of Homeless Child or Youth) is a homeless person or homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Act (42 U.S.C. Section 11434a(2)), and that I am qualified as an approved homeless services provider under one of the options described below. (Please select one.)

- ☐ 1. A governmental or non-profit agency receiving federal, state, or county or municipal funding to provide services to a "homeless person" or "homeless child or youth," or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.
- ☐ 2. An attorney licensed to practice law in this state.
- ☐ 3. A local educational agency liaison for homeless children or youth designated as such pursuant to 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker.
- ☐ 4. A human services provider funded by the State of California to provide homeless children or youth services, health services, mental or behavioral health services, substance use disorder services, or public assistance or employment services.
- ☐ 5. A law enforcement officer designated as a liaison to the homeless population by a local police department or sheriff's department within the state.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Signature of Homeless Services Provider \_\_\_\_\_ Today's Date \_\_\_\_\_ Expiration Date \_\_\_\_\_